

REMARKS

Claims 1-20 are in the application. Claims 1-8 are generic. Claims 9-11 relate to the elected species shown by Fig. 2. The remaining claims 12-20 are non-elected.

Applicant submits that the generic claims 1-8 and the elected claims 9-11 are patentable over the prior art that was cited and applied in the Office Action, namely:

Name	Patent Number
Rohe	2,700,172
King	3,949,535
Andersson	4,699,212
Austin	5,129,253

Applicant respectfully traverses the rejection of claims 1 and 2 as being anticipated by Andersson 4,699,212. Claim 1 is an independent claim. Claim 2 depends from claim 1. Claims 1 and 2 specify that the "tubular center portion of said bushing is radially expanded in said cylindrical opening to such an extent that it makes a tight interference fit within the opening and connects the bushing to the work member." This feature is not disclosed by Andersson 4,699,212.

Andersson 4,699,212 shows two embodiments. The first embodiment has a cylindrical portion 30 and a radial flange 31. The cylindrical portion 30 is inserted through an opening in a wall 40 and then its end opposite the flange is flared so as to form a second flange 44. With respect to this operation, it is stated in column 2, lines 36-40:

As shown in FIG. 4, this is done by flanging out a part of the cylinder, whereby a flange 44 is formed on the other side of the plate. The flanging is preferably made by pressure rolling and/or pressing.

In the second embodiment, the metal lining comprises two part 51/52. With respect to this embodiment, in column 2, lines 64-66, it is stated:

In this case the metal lining comprises two parts 51/52 fastened to each other, preferably by means of welding.

There is no disclosure in this patent of radially expanding a tubular center portion in a cylindrical opening to such an extent that it makes a tight interference fit between the opening and connects the bushing to the work member.

It is very well established, anticipation under U.S.C. § 102 (c) requires that "each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." In re *Robertson*, 49 USPQ 2d 1949 (Fed. Cir. 1999). In *Robertson*, the court concluded that the reference patent did not expressly disclose a third fastening means and a third fastening means was not "inherent" in its disclosure. Here, Andersson 4,699,212 does not expressly disclose a "bushing [that] is radially expanded in said cylindrical opening to such an extent that it makes a tight interference fit within the opening and connects the bushing to the work member." This feature is not "inherent" in Andersson 4,699,212. There is no teaching in the patent of inserting a mandrel through the tubular portion of the bushing. As stated above, [the two parts 51/52 are "fastened to each other, preferably by means of welding."] *Wb*

Claim 2 specifies that "the single continuous tubular member is radially expanded in the center opening of the second flange to such an extent that it makes a tight interference fit with the opening in the second flange and connects the second flange to said continuous tubular member." This feature is not disclosed by Andersson 4,699,212.

For the reasons set forth above, the Examiner is asked to withdraw the rejection of claims 1 and 2 as being anticipated by Andersson 4,699,212.

Applicant respectfully traverses the rejection of claims 1 and 3-6 as being anticipated by Rohe 2,700,172. Claims 3-6 depend either directly or indirectly from claim 1.

Rohe 2,700,172 discloses a sectional grommet for reinforcing openings in panels and sheets. The grommet is inserted through an oversized opening 20 in a panel. The grommet includes an outer section having a tubular shank portion 13 and a head portion 14 and an inner section having a tubular shank portion 15 and a head portion 16. Outer tubular member 13 is adapted to fit in the opening 20. Inner tubular member 15 has a cylindrical portion that is receivable with an interference fit in a counter bore 23 in the cylindrical end portion of the outer tubular member 13. Insertion of the cylindrical portion 22 into the counter bore 23 causes a slight stressing of a counter bore. This stressing causes the counter bore 23 to stretch. At the same time the wall 22 is compressed inwardly to a reduced-radius contour matching that of the expanded wall 23. There is no teaching of the tubular members 13, 15 being expanded in the opening in panel 11 to such an extent that they make a tight interference fit with the opening and connect the bushing to the work member 11.

In column 2 of Rohe, starting at line 41, it is stated that "a grommet--- is inserted through an oversize opening 20 in the panel." This word "oversize" prevents the grommet from making an interference fit with the opening in the panel.

Claim 3 requires that the "first and second tubular members" which "together form at least a part of the central portion of the bushing", be both radially expanded to such an extent that they make a tight interference fit within the opening and connect the bushing to the work member. These features are clearly not shown by the reference patent.

Claim 4 specifies that both tubular members extend through the opening and each has a second end that is contiguously flanged on the other member. This arrangement is most clearly shown by Fig. 13. It is not something that is disclosed by Rohe 2,700,172 or by any other of the referenced patents.

Claim 5 specifies that the first tubular member extends from its flange into and partially through the cylindrical opening in the work member and the second tubular member extends from its flange into and partially through the cylindrical opening in the work member. One form of this arrangement is disclosed by itself by Fig. 3 of Rohe 2,700,172. However, as previously stated, there is no disclosure in this patent of radially expanding the center portion of the bushing in the cylindrical opening in the work member "to such an extent that it makes a tight interference fit within the opening and connects the bushing to the work member." As previously stated, in Rohe 2,700,172, Column 2, lines 41-45, the opening in the panel is stated to be an "oversize" opening.

Applicants respectfully traverse the rejection of Claims 1 and 2 as being obvious from King 3,949,535, under 35 U.S.C. § 103 (a).

King 3,949,535 discloses inserting a tubular member 14 into aligned openings in two members P, and then expanding the cylindrical member so as to provide an interference fit between it and the sidewalls of the openings. After the cylindrical member is within the openings, and has been expanded, a flare F is formed on the end of it opposite the flange 15.

Expanding the cylindrical member in the opening and then providing a Flair at its end opposite the flange 15 teaches away from using a bushing that has "a first radial flange" at one of its ends and "a second radial flange" at its second end. King 3,949,535 most certainly does not disclose radially expanding the end of a continuous tubular member "in the center opening of the second flange to such an extent that it makes a tight interference fit within the opening in the second flange and connects the second flange to said continuous tubular member."

The Examiner suggests that the claimed arrangement would be "obvious to one of ordinary skill in the art" but he does so without producing a prior art teaching of this feature. An

obviousness rejection under § 103 requires a factual basis. The mere statement that the feature "would have been obvious to one of ordinary skill in the art" is not an acceptable substitute for a factual showing of the feature in the prior art. "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when, no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of hindsight syndrome wherein that which only the inventor taught is used against its teacher." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 230 USPQ 303, 312-313 (Fed. Cir. 1983).

Applicants respectfully traverse the rejections of Claims 7 and 8 as being obvious under 35 U.S.C. § 103 (a) based on Rohe 2,700,172 and Austin 5,129,253. Claim 7 has been amended to specify that the "members" are "all metal."

Rohe 2,700,172 is described above.

Austin 5,129,253 has a disclosure similar to the disclosure of King 3,949,535. A difference is, a coating 13 is provided on the cylindrical wall, between it and the sidewall of the opening. It is stated that the coating 13 provides an increase in the fatigue life of the joint. It is stated that the coating may be a polymeric material having excellent toughness, high compressive strength, and good machinability. The coating is also referred to as an adhesive film, examples of which are set forth in column 6, starting at about line 48.

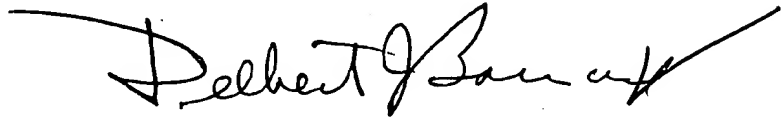
The Examiner acknowledges that Rohe 2,700,172 does not disclose a third tubular member surrounding the first and second tubular members. The Examiner suggests that the third tubular member is disclosed by Austin 5,129,253. The Examiner makes reference to member H. However, "H" designates the opening in the work piece. Number "13" is a coating "which may be a polymeric material." Claim 7 has been amended so that it specifies that "the first, second and third tubular members are all metal." This feature is not disclosed by the references and for that reason claims 7 and 8 are allowable.

Attached hereto is a copy of claim 7 that shows what amendment was made.

For the reasons set forth above, it is submitted that claims 1-8 are patentable. Accordingly, early reconsideration and allowance of the application are requested.

Respectfully submitted,

William A. Skinner et al

A handwritten signature in dark ink, appearing to read "Delbert J. Barnard", with a long horizontal stroke extending to the right.

Delbert J. Barnard, Reg. No. 20,515
Barnard & Pauly, P.S.
P.O. Box 5888
Seattle, WA 98138
(206) 246-0568
Fax: (206) 243-4618

DJB/lg/ndp



VERSION WITH MARKINGS TO SHOW CHANGES MADE

7. (amended) The combination of claim 5, wherein the first and second tubular members are coaxial and are surrounded by a third tubular member and the first, second and third tubular members are all metal and together form the tubular center portion of the bushing.

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